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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,595	07/27/2006	Michael Harald Kuhn	DE040023US1	2390

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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03/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/587,595	Applicant(s) KUHN, MICHAEL HARALD	
	Examiner TRAVIS R. HUNNINGS	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamlah (US Patent Application Publication 2002/0024429).

Regarding claim 1, Kamlah discloses *Anti-Theft System For A Motor Vehicle And Method For Operating The Anti-Theft System* that has the following claimed limitations:

The claimed transmitter which transmits a signal in the form of an electromagnetic field is met by the transmitter (4; Kamlah: paragraphs [0025] and [0026]);

The claimed transportable receiver which receives the signal and sends back a corresponding response signal to a further receiver is met by the portable code transmitter (2) and the receiver (5; Kamlah: paragraphs [0025] and [0026]);

The claimed gradient of the electromagnetic field can be detected by the receiver is met by the device determining if the field is correct before returning the code signal to access the vehicle security system (Kamlah: paragraphs [0025] and [0026]).

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Regarding claim 2, the claimed spatial gradient can be detected, in particular a homogeneous electromagnetic field is met by the electromagnetic field being emitted using polarized waves at a particular frequency (Kamlah: paragraphs [0030] - [0032]).

Regarding claim 3, the claimed haracterized in that a number of transmitters are provided is met by the antenna units (6) each having a transmitter and receiver as seen in figure 5 of Kamlah (Kamlah: paragraphs [0025], [0026] and [0047]).

Regarding claim 4, the claimed temporal gradient can be detected is met by the electromagnetic field having time characteristics that can be changed in order to allow for detection (Kamlah: paragraphs [0045] and [0046]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamlah in view of Mindl et al. (Mindl; US Patent 6,714,119).

Regarding claim 5, Kamlah discloses all of the claimed limitations except for specifically disclosing the claimed transmitters each transmit different signals. Mindl

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discloses *Keyless Access Control Device For Motor Vehicles And Method For Carrying Out A Keyless Access Authorization Control In Motor Vehicles* that teaches multiple transmitters with each having unique IDs (Mindl: column 2, lines 45-55). Altering the transmitters to each transmit a unique identification signal would allow the receiver to determine which transmitter is transmitting at that particular time and would therefore provide more functionality and flexibility to the device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Kamlah according to the teachings of Mindl to have multiple transmitters that each transmit a unique ID.

Regarding claim 6, the claim is interpreted and rejected as claim 5 stated above. The receiver would be able to determine which transmitter is detected by the unique ID.

Regarding claim 7, the claimed directional antenna is well known in the art and therefore would have been obvious to one of ordinary skill in the art to use a directional antenna in the receiver.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 1, 6 and 7 recite the limitation "the receiver" in the body of the claim.

There are two separate receivers that this could be referring to, either the transportable receiver or the further receiver. The claim will be interpreted and rejected as if this was referring to the transportable receiver. There is insufficient antecedent basis for this limitation in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVIS R. HUNNINGS whose telephone number is (571)272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TRAVIS R HUNNINGS/
Patent Examiner, Partial Signatory Authority
AU2612